
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

HOMER E. PURDY,

Plaintiff,

v.

METLIFE HOME LOANS, LUNDBURG &
ASSOCIATES, JP MORGAN CHASE,
ETITLE INSURANCE AGENCY,

Defendants.

REPORT AND RECOMMENDATION

Case No. 1:16-cv-00028-JNP-EJF

District Judge Jill N. Parrish

Magistrate Judge Evelyn J. Furse

Plaintiff Homer E. Purdy filed his Complaint on March 2, 2016. (ECF No. 3.) Also on March 2, 2016, Mr. Purdy filed a Motion for Temporary Restraining Order and a Motion for Preliminary Injunction. (ECF Nos. 2, 3.) The Court denied Mr. Purdy's Motion for Temporary Restraining Order and did not rule on Mr. Purdy's Motion for Preliminary Injunction. (ECF No. 4.) On March 18, 2016, District Judge Jill N. Parrish referred this case to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 5.) On June 9, 2016, the undersigned issued an Order to Show Cause directing Mr. Purdy to inform the Court in writing as to the status of the case and his intentions to proceed no later than June 23, 2016. (ECF No. 6.) The Order to Show Cause also warned Mr. Purdy that failure to respond would result in a recommendation that the Court dismiss his case. (*Id.*) Mr. Purdy did not respond to the Order to Show Cause. Mr. Purdy has never served any of the Defendants, and the ninety days since filing the Complaint passed on May 31, 2016. Therefore, pursuant to Federal Rule of Civil Procedure ("Rule") 4(m), the District Court should dismiss Mr. Purdy's case for failure to serve.

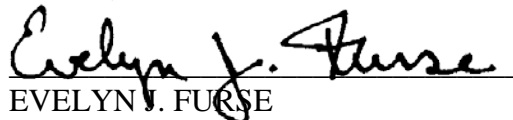
RECOMMENDATION

Because Mr. Purdy failed to serve the Defendants and has failed to show good cause for this failure, the undersigned Magistrate Judge RECOMMENDS the Court DISMISS Plaintiff Homer E. Purdy's Complaint without prejudice for failure to serve.

The Court will send copies of this Report and Recommendation to the parties, who the Court hereby notifies of their right to object to the same. The Court further notifies the parties that they must file any objection to this Report and Recommendation with the Clerk of the District Court, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), within fourteen (14) days of service thereof. Failure to file objections may constitute waiver of objections upon subsequent review.

DATED this 14th day of November, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Evelyn J. Furse", is written over a horizontal line.

EVELYN J. FURSE
United States Magistrate Judge